

REMARKS

Claims 1, 3-4, 6-17 and 19-36 are pending.

Claim Objections

Claims 23, 28, 30 and 35 have been amended to correct the informalities noted by the Office at page 2 of the Office Action.

Rejections Based on Sturgeon

Claims 23-26 and 30-33 were rejected under Section 102 as being anticipated by Sturgeon (6466336). Claims 1, 3-4, 6-17, 19-22, 27-29 and 34-36 were rejected under Section 103 as being obvious over Sturgeon (6466336) in view of Liu (6735335).

The rejections under both Sections 102 and 103 are based on the assertion that Sturgeon teaches determining if a page is properly aligned for scanning by reviewing the scanned page for a selected characteristic. The undersigned acknowledges with appreciation the detailed remarks made by the Examiner explaining his reasoning in support of the rejections. At page 4 of the Office Action, the Examiner states:

The examiner interprets the phrase "*properly aligned for scanning*" to mean that a determination is made as to whether a registration characteristic for a scanned page **corresponds with** a user-selected registration characteristic. This interpretation corresponds to the present invention, as described in the Specification, which states that "For instance, if, during the review of a page, it is determined that the registration characteristic of that page **does not correspond, e.g., is not properly aligned,** with the selected registration characteristic, correction of the page may be facilitated".... (emphasis in original)

Alignment means alignment. Alignment does not mean **any** correspondence between registration characteristics, it means the correspondence of alignment. The Examiner's apparent assertion to the contrary is not correct. "E.g." means for example. Therefore, the passage in the Specification quoted by the Examiner means that alignment is one example of a correspondence between registration characteristics. This passage in no way generalizes the definition of alignment to include any correspondence between registration characteristics (or any other characteristic of a page).

So, when the inventors recite "determining if the scanned page was properly aligned for scanning", they mean determining if the scanned page was properly aligned for scanning. They do not mean determining inconsistencies in the orientation of pages in a scanned document (Sturgeon column 6, lines 37-53) or comparing the total number of pages scanned with a desired or anticipated number of pages (Sturgeon column 8, lines 49-52) or determining any correspondence for a characteristic of a page of a document other than alignment.

Claim 23 recites "determining if the scanned page was properly aligned for scanning." The other independent claims contain similar limitations. The fact is that there is no teaching or even any suggestion in Sturgeon that page designations (or any other page characteristic) are used to determine that a page is or is not properly aligned for scanning. Rather, Sturgeon teaches the use of page designations to: collate pages in a scanned document when the scanning page order is not the same as the desired document page order (column 6, lines 31-34 and column 7, lines 9-13); determine inconsistencies in the orientation of pages in a scanned document (column 6, lines 37-53); and compare the total number of pages scanned with a desired or anticipated number of pages (column 8, lines 49-52). In Sturgeon, so-called "misfed" pages are identified "by comparing the number of pages actually scanned to a desired or predetermined number." Sturgeon, column 5, lines 54-57.

The rejections based on Sturgeon should be withdrawn.

Rejections Based on Liu

Claims 1, 3-4, 6-17, 19-22, 27-29 and 34-36 were rejected under Section 103 as being obvious over Sturgeon in view of Liu.

The rejections under Section 103 are based on the assertion that Liu teaches a layout attribute analyzer that verifies the size of the margins on a scanned page. The Examiner acknowledges that Liu does not explicitly teach a margin or margins – neither term appears in Liu. Rather, the Examiner asserts that Liu "teaches the disputed limitation without using the words 'margin' or 'margins.'" In support of this proposition, the Examiner states:

The document handling system in Liu expressly teaches "general layout attributes" of scanned pages that are compared by measuring the overlap area between regions on separate pages and their size similarity. The system then judges the degree of overlap and size similarity between the regions to determine whether a sufficient degree of similarity or dissimilarity is shown. See Liu – Column 8,

Lines 50-58. The attributes are then used to determine whether successive scanned pages belong to the same document. See Liu – Column 7, Lines 55-62. These portions of Liu clearly teach computer software that operates in conjunction with a scanner, wherein the software analyzes characteristics (i.e., margins) of the scanned documents. Office Action, pages 28-29.

Liu expressly identifies five page layout attributes – page numbers, page headers, page footers, heading and captions. Liu, column 7, lines 26-30. Margins are conspicuously absent from Liu's list of layout attributes. Margins also are not inherent in Liu. To establish inherency, the Examiner must show that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. MPEP § 2112, paragraph IV. The Examiner has not, as yet, made the required showing. In fact, margins are not necessary layout attributes.

To the extent the Examiner is suggesting "measuring the overlap between regions on separate pages and their size and similarity" in Liu necessarily implies that these regions are margins, then the Examiner is urged to consider the very next sentence in Liu – "the degree of overlap and size similarity is weighted according the [sic] difference (or similarity) of line and text statistics for the overlapping regions." Liu, column 8, lines 52-55. Margins are typically empty space – "line and text statistics" suggest something other than empty space, like page numbers, page headers, page footers, heading and captions. It seems inescapable, therefore, that margins are not "necessarily present in the thing described" in Liu.

If the Examiner is relying on some legal theory other than inherency to support the proposition that margins are implicitly disclosed in Liu, then he is respectfully requested to specifically identify that theory and cite to supporting legal authority. Absent such a showing, the rejections based on Liu should be withdrawn.

Respectfully submitted,



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